

REMARKS

Claims 1-6, 8-10 and 12 are pending in this application. By this Amendment, claims 1-4, 6, 8, 9 and 12 are amended. The amendments introduce no new matter. A Request for Continued Examination is attached. Reconsideration of the application based on the above amendment and the following remarks is respectfully requested.

Applicants appreciate the indication of allowablity regarding claims 4, 9 and 12. These claims are indicated as allowable if rewritten in independent form including all of the features of the base claim and any intervening claims. The remaining claims are also allowable, as discussed below.

The Office Action, on page 2, objects to the drawings, and specifically to Fig. 3 as allegedly introducing new matter. The objection to the drawings has been withdrawn by the February 13, 2007 Advisory Action.

The Office Action rejects claims 1-3, 5, 6, 8 and 10 under 35 U.S.C. §§102(b) and 103(a) over U.S. Patent No. 4,945,050 to Sanford et al. (hereinafter "Sanford"). These rejections are respectfully traversed.

Sanford does not teach, nor can it reasonably be consider to have suggested, at least the features of a resistant barrier which ensures an effective propagation of a shock wave through the resistant barrier, and is located entirely within the application guide, and comprises an upstream face and a downstream face, said downstream face having at least one blind cavity in which the active principle is accommodated, the resistant barrier remaining fixed within the syringe during injection, wherein the shock wave generator device is configured to deliver a shock wave to the upstream face of the barrier, as positively recited in claim 1.

For example, the Office Action considers the macro projectile (50) in Sanford as corresponding to the claimed resistant barrier. However, Sanford relies on the forward motion of the macro projectile (50) to transfer kinetic energy to the particles (52). In other words, the macro projectile (50) of Sanford does not ensure an effective propagation of a shock wave through the resistant barrier, as is positively recited in independent claim 1. Further, as the macro projectile (50) is blasted forward, and then abruptly stopped by the stopping means (58) allowing the particles to continue through an aperture toward a target cell or tissue, the macro projectile (50) cannot reasonably be considered to correspond to a resistant barrier being fixed during injection, as also recited in independent claim 1.

For at least the above reasons, the applied prior art reference does not teach, nor can it reasonably be considered to have suggested, the combination of all of the features positively recited independent claim 1. Additionally, claims 2, 3, 5, 6, 8 and 10 are also neither taught, nor would they have been suggested, by the applied prior art reference for at least the respective dependence of these claims, directly or indirectly, on an allowable independent claim 1, as well as for the separately patentable subject matter that each of these claims recites.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-3, 5, 6, 8 and 10, in addition to the indication to the allowability regarding claims 4, 9 and 12, are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



William P. Berridge
Registration No. 30,024

James E. Golladay, II
Registration No. 58,182

WPB:JEG/hms

Attachments:

Request for Continued Examination
Petition for Extension of Time

Date: April 4, 2007

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

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